

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50921 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- SALAKHUA District- Saharsa

Manohar Mahto, S/O Ramotar Mahto @ Ramavatar Mahto, R/o village-
Chanan, P.S.- Salkhua, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

For the informant : Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

The petitioner seeks regular bail, who is in custody since 06.04.2021 in connection with Salkhua P.S. Case No.63 of 2021 for the offences under Sections 147, 148, 149, 341, 323, 385, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant, Anandi Mahto, alleged that on 05.04.2021 in the morning when he went to plough his field all of a sudden 11 accused persons including this petitioner armed with rifle and other weapons, surrounded him. It is further alleged that the accused Hitesh Mahto



demanded Rs.5,00,000/- (Five lakh) and all the accused persons started firing. It is specifically alleged that Hitesh Mahto made indiscriminate firing, which resulted into gun shot injury to the Tractor driver, namely, Sujeet Kumar, who later on died.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and is aged about 70 years. It is further submitted that there is land dispute between the parties, which resulted into commencement of proceeding under Section 144 of the Cr.P.C. and still the dispute is persisting between the parties. He next submits that there is general and omnibus allegation against all the other accused persons excluding Hitesh Mahto and now investigation has already been completed and charge-sheet has been submitted and as such there is no chance of absconding the petitioner and tampering with the evidence.

On the other hand, learned counsel for the informant vehemently opposes the bail application of the petitioner and submitted that there was common intention of all the accused persons to kill the informant and all the accused persons were variously armed with rifle.

Learned APP appearing on behalf of the State submits that admittedly there is land dispute between the parties and the



petitioner is aged about 70 years.

Having considered the rival submissions of the parties and taking into account the age of the petitioner, in support of which Aadhar card has been brought on record by way of Annexure-2, and also considering the fact that there is specific allegation against Hitesh Mahto, on whose firing the death of the deceased occurred, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Saharsa in connection with Salakhua P.S. Case No. 63 of 2021 subject to the condition:

(a) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond will be cancelled by the Court below.

(Harish Kumar, J)

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